

REMARKS

The Office Action dated May 22, 2007 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 28, 41 and 54 are amended to more particularly point out and distinctly claim the subject matter of the present invention. New claims 55-57 are added. Support for the amendments is found at least in paragraph [0033] of the published application. Thus, no new matter is added. Claims 28-57 are respectfully submitted for consideration.

The Office Action rejected claims 28-52 and 54 under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,068,189 to Brescia et al. (Brescia). Applicants respectfully submit that Brescia fails to disclose or suggest all of the features recited in any of the pending claims.

Claim 28, from which claims 29-40 and 55 depend, is directed to a method of providing a profile to a mobile terminal. At least one capability of a mobile terminal is determined. A profile to a specific event is allocated. An association of a mobile terminal with the event is detected. The profile is transmitted to the mobile terminal.

Claim 41, from which claims 42-53 depend, is directed to an application server configured to provide an event specific profile to at least one mobile terminal. A determining unit is configured to determine at least one capability of a mobile terminal. A first communications interface is configured to provide a mobile network with event specific information. A second communications interface is configured to receive details

of a mobile terminal associated with the event specific information. A third communications interface is configured to transmit the event specific profile to the mobile terminal associated with the event specific information.

Claim 54 is directed to a communication system configured to provide event specific profiles to mobile terminals. An application server is associated with the event and is further configured to determine at least one capability of the mobile terminal. A mobile communication network is configured to receive event specific characteristics from the application server. At least one mobile terminal is configured to connect to the network. The mobile network notifies the application server if the mobile terminal is associated with the event, and when responsive thereto the application server transmits the event specific profile to the mobile terminal.

Applicants submit that each of the above claims recites features that are neither disclosed nor suggested in Brescia.

As discussed in previous correspondence, Brescia is directed to delivering information, such as a notification or other content, to a select communication device when defined event and location criteria are satisfied. A profile is established to define the event and location criteria along with a method for delivering the information. Specifically, Brescia states “a profile that defines information to provide to a select device is transmitted, when predefined events and location indicia are satisfied,” wherein the profile is stored on an application server.” See column 4 lines 46-50 of Brescia. Thus, the “profile” is sent to an application server and not to a device. Further, the

“information” that is sent to a select device, such as a notification or other content, is not a “profile” as defined in the present claimed invention. Thus as previously discussed, according to Brescia, the profile is not sent to a device, only the resulting “information”, if a match occurs. The “information” sent to the user device is a “simple notification, preselected-content, or a combination thereof” and not a profile. See column 4 lines 48-50.

Applicants respectfully submit that Brescia fails to disclose or suggest at least the feature of transmitting said profile to said mobile terminal, as recited in claim 28 and similarly recited in claims 41 and 54. As discussed above, Brescia merely discloses sending “information” to the appropriate device, if the event occurrence and location indicia match the event and location criteria.

In the “Response to Arguments” section, the Office Action appears to appreciate the difference between a “profile” and “information” as described in Brescia. However, the Office Action also asserts that the information transmitted to the device, may optionally include a profile. However, we believe that the Office Action’s position inappropriately ignores the meaning of the term “profile” as defined in the present application and inappropriately reads features into Brescia that are not described therein.

For example, the feature “profile” as clearly recited in the present claims and described in the specification, is directed to customized affects such as the “look and feel” of the user device. This “profile” feature is clearly described in the present

specification at least in paragraphs [0002], [0004], [0006], [0033], [0038], and [0039] of the published present application.

Further, it appears that the Office Action's explanation reads features into Brescia that are neither disclosed nor suggested therein. For example, the Office Action alleged that Brescia describes "transmitting the profile to the mobile, the information is sent to the selected device, not the server". However, Applicants respectfully submit that this description is nowhere to be found in Brescia, and is an unreasonably broad interpretation of what is actually disclosed therein.

Further, Applicants respectfully submit that Brescia fails to disclose or suggest at least the feature of "determining at least one capability of the mobile terminal", as recited in claims 28, 41, and 54. Applicants respectfully submit that Brescia is silent with regards to this feature. In Brescia the information is transmitted to the device without a determination being made as to the device's capabilities.

Thus, at least for the reasons discussed above, Applicants submit that Brescia fails to disclose or suggest all of the features recited in claims 28, 41 and 54. Applicants further submit that because claims 29-40 and 49-52 depend from claims 28 and 41, these claims are allowable at least for the same reasons as claims 29 and 41, as well as for the additional features recited in these dependent claims.

Based at least on the above, Applicants submit that Brescia fails to disclose or suggest all of the features recited in claims 28-52 and 54. Accordingly, withdrawal of the rejection under 35 U.S.C. 102(e) is respectfully requested.

The Office Action rejected claim 53 under 35 U.S.C. 103(a) as being obvious over Brescia. The Office Action took the position that Brescia disclosed all of the features of these claims except the third interface being a GPRS or Bluetooth interface. The Office Action took Official Notice that this feature is well known in the art. This rejection is respectfully traversed. Specifically, Applicants submit that Brescia is deficient at least for the reasons discussed above regarding claim 41.

Further, Applicants respectfully traverse the Office Action's use of Official Notice. Applicants again, respectfully request evidence that the use of GPRS or a Bluetooth interface is well-known in the art when applied as a third interface to an application server.

Based at least on the above, Applicants submit that Brescia and the Official Notice taken in the Office Action, fail to disclose or suggest all of the features of claim 53. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.


As stated above, new dependent claims 55-57 are added. Applicants respectfully submit that each of claims 55-57 recites features that are neither disclosed nor suggested in Brescia.

Applicants submit that each of claims 28-54 recites features that are neither disclosed nor suggested in any of the cited references. Accordingly, it is respectfully requested that each of claims 28-54 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,


David E. Brown
Registration No. 51,091

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

DEB:dc:jkm

Enclosures: Request for Continued Examination (RCE) Transmittal
Additional Claim Fee Transmittal
Check No. 16965